

# Exhibit B

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Seth Lesser is a partner in Klafter Lesser, a New York, New Jersey and District of Columbia law firm where he practices in the areas of consumer advocacy, mass torts, wage and hour litigation, and corporate governance, primarily on behalf of injured individuals, defrauded consumers, employees and businesses. He is admitted to the bars of those three jurisdictions, as well as two dozen federal courts (see below).

Mr. Lesser is a graduate of Princeton University, A.B., *summa cum laude* (1983); Oxford University, D.Phil. in Modern History, recipient of a Marshall Scholarship (1985); and Harvard Law School, J.D., *magna cum laude* (1988), where he was an editor of the HARVARD JOURNAL OF INTERNATIONAL LAW and of the HARVARD ENVIRONMENTAL LAW REVIEW. In addition, he was the Princeton University Varsity Heavyweight coxswain in 1982 & 1983 and the coxswain of the victorious Oxford Blue Boat in the Oxford-Cambridge Boat Race in 1984 & 1985.

## **SUMMARY OF PROFESSIONAL ACTIVITIES**

Since 1995, Mr. Lesser has primarily represented plaintiffs in individual, class, collective, and mass tort cases. He regularly speaks and writes on these topics, and is a co-author of a treatise on class action law.

He has been the lead plaintiffs' counsel in dozens of successful individual, class, collective, and mass tort actions in the areas of consumer law, employment, privacy, securities, and mass tort litigation. The cases in which he has personally been a lead counsel have returned nearly a billion dollars to his clients and the cases in which he has been co-counsel several times that amount. In addition to many class actions where he was lead plaintiffs' counsel but which cases were not Federal Multidistrict Litigation proceedings, the MDLs where he was court-appointed lead counsel have including, among others, MDL-1346 (*In re Amazon-Alexa*); MDL-1352 (*In re Doubleclick*); MDL-1708 (*In re Guidant Implantable Heart Devices*); MDL-1739 (*In re Grand Theft Auto Video Game Consumer Litigation*); MDL-1903 (*In re Pepsico, Inc. Bottled Water Sales Practices*); and MDL-2025 (*In re Staples, Inc. Wage & Hour Employment Practices Litig.*). He has also served on numerous MDL Executive/Steering Committees, including the Executive Committee in MDL-1845 (ConAgra Peanut Butter Products Liability Litigation), and serving as Law & Briefing Co-Chair of the Government Actions Committee in MDL-1657 (Vioxx Products Liability Litigation). Among other things, he was the lead New York class counsel in the Fen/Phen diet drug litigation, in that case obtained the first certification under New York law for a medical monitoring class, and was the New York class counsel in the MDL settlement with American Home Products. In one case, a federal court judge, addressing Mr. Lesser in approving a settlement, stated, "the court already held that class counsel was adequate in the context of class certification. But more than just adequate, class counsel's performance in this case has been exemplary." *Wilson v. Gloucester County*, 06-cv-1368 (JEI/AMD) (D.N.J.) (final approval obtained March 18, 2010).

He has successfully taken cases to trial. In 2009, he won a verdict one of the first Fair Labor

Standards misclassification collective cases taken to a jury, resulting in a judgment of \$5 million on behalf of 342 collective action plaintiffs, *Stillman v. Staples, Inc.*, No. 07-cv-849 (D.N.J.), a result which led to the \$42 million nationwide settlement of MDL-2025. More recently, he has obtained recoveries in cases of \$34 million (*Nash v. CVS Caremark Corp.*, 1:09-cv-00079 (D.R.I.)), \$20.9 million (*Craig v. Rite Aid Corp.*, 2013 U.S. Dist. LEXIS 2658, at \*38 (M.D. Pa.)), \$14 million (*Youngblood, et. al. v. Family Dollar Stores, Inc.*, No. 09-cv-3176 (S.D.N.Y.)), \$16.5 million (*Thorn v. Bob Evans*, No. 12-cv-768 (S.D. Ohio)); \$13.9 million (*Jacob v. Duane-Reade*, No. No. 11-cv-160 (S.D.N.Y.); \$10 million (*LaPan v Dick's Sporting Goods*, No. 13-cv-11390 (D. Mass.)). The settlement in the *Nash v. CVS Caremark Corp.* case was termed by District Judge McConnell “magnificent” at the final approval hearing. Order Granting Final Approval, *Nash v. CVS Caremark Corp.*, No. 1:09-cv-00079 (D.R.I. Apr. 9, 2012), while the final approval decision in *Craig v. Rite Aid Corp.* (where Mr. Lesser was lead counsel), stated that “To say that Class Counsel vigorously prosecuted this action would be a gross understatement.” *Craig*, 2013 U.S. Dist. LEXIS 2658, at \*31.

Mr. Lesser was the National Association of Consumer Advocates’ Attorney of the Year in 2005 and was Co-Chair of the Board of Directors of that organization from 2008 through 2013. From 1998 through 2001, he served as the representative of the American Council on Consumer Interests to the United Nations. At present, he is on the Second Circuit Courts Committee of the Federal Bar Council, is active in the Members Consultative Groups of the American Law Institute’s Restatement of the Law Third, Restitution and Unjust Enrichment project. In 2017, he joined the Board of Public Justice and was recently chosen to join its Executive Committee. He also been on the *Amicus* Committee of the American Association for Justice and was the Co-Chair of the Food-Borne Illness Litigation Group of the American Association for Justice. He is a member of, *inter alia*, the American Law Institute; the American Bar Association; the Second Circuit Federal Bar Council; the Bar Association of the City of New York; the National Association of Consumer Advocates; the American Association for Justice; and the National Employment Lawyers Association.

Other professional organizational appointments have included being the Chair of American Bar Association’s Business Law Section’s Environmental Litigation Subcommittee (1995-2002); the Co-Chair of the ABA’s Business Law Section’s Annual Review of Litigation (1995-1998); a member of the New York City Bar Association’s Committees on Consumer Affairs (1995-1998) and Federal Courts (1998-2001); a member of the Federal Bar Council’s Second Circuit Courts Committee (2006 to date); and Co-Chair of the American Association for Justice’s Food-borne Illness Litigation Group (2007-2010). He also was the Chair of the National Association of Securities and Consumer Attorneys’ Consumer Committee from 2003 to 2005. He was asked to draft revisions to New York State’s class action law (2002-2003; Report, 2003), as well as having been involved in the drafting of numerous recommendations, testimony, reports, and other materials for various professional organizations. His election to the American Law Institute was in 2008 and he actively participated in the Members Consultative Group to the ALI’s 2009 adoption of the Principles of the Law of Aggregate Litigation. In addition, Mr. Lesser has served on the Editorial Advisory Board of the *Class Action Law Monitor*.

Mr. Lesser has been repeatedly chosen as a Superlawyer®, both as a Superlawyer® in the New York Metropolitan Area in the area of class actions and also as one of the 25 best lawyers in Westchester County, N.Y.

**PUBLICATIONS (sample).** Among others, Mr. Lesser’s publications include:

The Federal Bar Council, *Courthouses of the Second Circuit* (2015) (Contributor)

“An Attorney’s Reaction to Professor Kolodinsky’s Observations,” 44(3) The Journal of Consumer Affairs (Fall 2010)

*Consumer Class Actions*, Fifth through Seventh Editions (2002-to date) (Contributor & Ed.), published by the National Consumer Law Center

“Time price differentials in the rent-to-own industry: implications with empowering vulnerable consumers,” 29(2) International Journal of Consumer Studies, 119-24 (March 2005) (co-author)

Annual Review of New York’s Consumer Protection Statute, New York Law Journal (annual review articles, 1997-2005)

New Jersey’s Consumer Fraud Law, New Jersey Law Journal (review article, 2003)

“Internet Privacy Litigation and the Current Normative Rules of Internet Privacy Protection,” *Considering Consumer Privacy*, Center for Democracy & Technology (March 2003; P. Bruening, ed.)

“Privacy Law in the Internet Era,” Internet Law & Business, September 2002

“The Second Circuit Cuts Back on Diversity Jurisdiction,” New York Law Journal (April 16, 1997)

“New Pleading Requirements for Consumer Fraud Suits,” New York Law Journal (October 25, 1996)

**SPEAKING ENGAGEMENTS (sample).** Among a number of others, Mr. Lesser’s engagements as a featured speaker have included:

Steering Committee and Speaker, Co-Cambridge Forum on Plaintiffs’ Class Actions (May 2019 and May 2020)

National Consumer Law Center: Speaker at Annual Symposium on Class Actions (Various locations, 2000-2020) and on other topics relating to consumer law

Stafford, Employment Contracts After Epic SCOTUS Decision (Webinar, August 7, 2019)

National Employment Lawyers’ Association, Annual Convention (July 2018)

Lawline, Introduction to the Fair Labor Standards Act (Webinar, September 18, 2017)

Lawline, SCOTUS Review: Tyson v. Bouaphakeo (Webinar, September 19, 2016)

National Employment Lawyers’ Association, Wage & Hour Conference (Washington, D.C. May 2015)

National Association of Consumer Advocates: Speaker at various conferences on topics relating to consumer finances, class actions and complex litigation (Various locations, 1999-2015)

National Employment Lawyers’ Association, Fall Conference (Washington, D.C. Oct. 2011)

Rand Institute for Public Justice: Conference on Alternative Litigation Finance (Alexandria, Virginia 2010)

New Jersey Association for Justice: Meadowlands Seminar – The New Jersey Consumer Fraud Act (Secaucus, New Jersey, 2009)

Practicing Law Institute: Speaker at multiple conferences, including Consumer Financial Services Litigation (New York, 2000-2003, 2009) and the First through Fourth Institutes on Privacy Law (New York & San Francisco, 2000-2004)

American Council on Consumer Interests: Rent-A-Own – Consumer Issues (Orlando, Florida, August 2008)

American Association for Justice: The Status of Daubert Today (Philadelphia, July 2008)

Federal Bar Council Fall Retreat: Rule 23 in The Second Circuit (Lenox, Massachusetts, October 2007)

American Bar Association: Speaker at numerous conferences and teleconferences, including “Class Actions and Consumers,” (ABA Connection Teleconference, June 20, 2007); Fourth National Institutes on Class Actions (October 2005); “Class Action Practice After The Fairness Act of 2005” (Teleconference, March 17, 2005); Internet Privacy Issues (Teleconference Seminar, Sept. 19-20, 2001) (also featured in article on same topic in ABA Journal, September 2001); Business Law Section’s Annual Review of Litigation (Various locations, 1995-1998) (co-chair)

Mealy’s Publications, Mealey’s Drug & Medical Device Litigation Conference (San Diego, May 2007)

Mealy’s Publications, Representing Toxic Tort Victims (Philadelphia, Pennsylvania, 2003)

Computers, Freedom & Privacy (“CFP”) Conference, Speaker at 12th Annual Conference (San Francisco 2002)

Mealy’s Publications, Rezulin Conference, Speaker (Alexandria Virginia, 2000)

Reinsurance Association of America, Speaker on Year 2000 litigation issues (New York, 1999)

## **BAR ADMISSIONS**

Mr. Lesser is admitted to the following Bars: State of New Jersey (1988); U.S. District Court, District of New Jersey (1988); State of New York (1989); U.S. District Court, Eastern District of New York (1989); U.S. District Court, Southern District of New York (1989); District of Columbia (1990); U.S. Court of Appeals, District of Columbia Circuit (1994); U.S. Court of Appeals, Ninth Circuit (1997); U.S. Court of Appeals, Tenth Circuit (1997); U.S. Supreme Court (1998); U.S. Court of Appeals, Second Circuit (1998); U.S. District Court, District of Colorado (2000); U.S. Court of Appeals, Sixth Circuit (2001); U.S. Court of Appeals, First Circuit (2002); U.S. Court of Appeals, Third Circuit (2003); U.S. District Court, Central District of Illinois (2004); U.S. Court of Appeals, Seventh Circuit (2004); U.S. Court of Appeals, Eleventh Circuit (2005); U.S. District Court, Northern

District of New York (2006); U.S. District Court, District of Connecticut (2006); U.S. District Court, Western District of New York (2010); U.S. District Court, Western District of Michigan (2010); U.S. District Court, Western District of Tennessee (2015); U.S. District Court, Eastern District of Michigan (2017); U.S. Court of Appeals, Eighth Circuit (2019).

## **PERSONAL INFORMATION**

Seth Lesser is married and has four daughters. He is a Past President of the Hillholme Association in Chappaqua, New York and is a member of the Zoning Board of Appeals for the Village of Saltaire, New York. He is a member of the Committee for the Oxford-Cambridge Boat Race Dinner in New York City and he actively continues to be a coxswain, coxing for, among others, the Lake Union Crew, the Greenwich Crew, and the Thames Rowing Club (London) at such races as the Head of the Charles.

February 2021



KLAFTER LESSER LLP  
Firm Resume

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## Klafter Lesser LLP

Klafter Lesser LLP is a nationally recognized law firm that focuses on vindicating the rights of investors, employees, and consumers under Federal securities and State securities and corporate laws, labor laws, and consumer protection laws, respectively. Its attorneys have been involved in leading cases in all of these areas and have received recognition for their efforts from courts, professional organizations and peers for their professionalism and results. The Firm has successfully litigated cases from one end of the country to the other and its attorneys are admitted in multiple state courts and dozens of federal courts.

The Firm was founded in June 2003. Together, the Firm's principals bring over 75 years of experience representing Plaintiffs to the practice.

The Firm's philosophy is to aggressively prosecute select actions as opposed to a "volume" type operation. The Firm provides its clients with the full spectrum of litigation services including: (i) factual investigation, forensic accounting, and legal analysis; (ii) communications advising the client of the merits of the case, developments in the litigation, and settlement issues; and (iii) advisory services on an "as needed" basis on both case specific and general litigation matters.

The attorneys in the Firm have obtained over a billion dollars in settlements in the cases in which they have served as lead lawyers. These results have been obtained in a wide variety of individual and class action contexts. One federal judge recently stated on the record in open court to one of the Firm's attorneys that "the court already held that class counsel was adequate in the context of class certification. But more than just adequate, class counsel's performance in this case has been exemplary." Another called a recent KL settlement a "magnificent result."



## Securities Litigation

The Firm has served and presently serves as a lead counsel in multiple securities class, group and individual actions.

- *Antipodean Domestic Partners, L.P. v. Clovis Oncology, Inc. et al.*, No. 655908/2016 (Supreme Court, County of New York) (pending)
- *Orgone Capital III, LLC et al v. Daubenspeck et al*, 1:16-cv-10849 (N.D. Ill.) (pending)
- *In re Fisker Automotive Holdings, Inc. Shareholder Litigation*, No. 13-cv-02100-SLR (D. Del.) (pending)
- *In re SmarTalk Teleservices Inc. Securities Litigation*, MDL Docket No. 00-1315 (S.D. Ohio) (\$27.1 million)
- *In re Ashworth, Inc. Securities Litigation*, Master File No. 99cv0121-L (JFS) (S.D. Cal.) (\$15.25 million settlement)
- *In re Eaton Vance Corporation Securities Litigation*, Civil Action No. 01-10911-EFH (D. Mass.) (\$10.5 million settlement)
- *In re InfoSonics Corp. Sec. Litigation*, No. 06cv1231 BTM(WMC) (S.D. Cal.) (\$3.8 million settlement)
- *In re Viisage Technologies, Inc. Securities Litigation*, No. 05-cv-10438 – MLW (D. Mass.) (\$2.3 million settlement)

The Firm also has had significant roles in the prosecution of *In re IBM Corp. Securities Litigation*, No. 05 Civ. 6279 (AKH) (S.D.N.Y.) (\$20 million settlement), *In Re American Business Financial Services, Inc. Noteholders Litigation*, No. 05-232 (ED Pa.) (\$16.75 million settlement); and *In re Countrywide Financial Corporation Securities Litigation*, No. 2:07-cv-05295 (MRP-MAN) (C.D. Cal.) (\$624 million settlement).

In addition to leading securities class actions, the Firm was selected by CompuDyne Corporation to represent it in pursuing its claims against individuals and entities who illegally sold the Company's stock short in advance of a \$30 million private placement, and achieved a \$4.8 million settlement with certain of the short-sellers.

## Breach of Fiduciary Duty and Related Litigation

The Firm is also active in pursuing claims for breach of fiduciary duty against corporate officers or directors on behalf of shareholders including the following:

- The Firm was retained by the Post-Confirmation Equity Subcommittee in the bankruptcy of a public company, Superior Offshore International, Inc., to prosecute fiduciary duty claims against Superior's former officers and directors and has brought suit in the United States Bankruptcy Court for the Southern District of Texas against four senior officers of the company for waste of corporate assets, insider trading and causing the company's bankruptcy. That litigation was settled to the satisfaction of the parties shortly before it was scheduled to be tried.
- The Firm was retained by the Liquidating Trust of Debtor PTMS Liquidating Corp. (f/k/a ProxyMed and MedAvant) and has brought suit in the United States Bankruptcy Court for the District of Delaware for breach of fiduciary duty and fraud against General Atlantic, LLC and Braden Kelly for causing the demise of the Company. That litigation was also settled to the satisfaction of the parties shortly before it was scheduled to be tried.
- The Firm was sole counsel to the former common shareholders of Living Independently Group, Inc. in a class action in the Court of Chancery of the State of Delaware seeking damages for breaches of fiduciary duty by its former directors and Chief Operating Officer that resulted in the company being acquired by General Electric Company at a bargain basement price which afforded no consideration to the holders of its common share.
- The firm was co-lead counsel in a class action also in the Court of Chancery of the State of Delaware asserting that the conversion of the IMH Secured Loan Fund into IMH Financial Corp. was done in breach of fiduciary duties and contractual rights owed to the Unitholders in the Fund. This action and the Living Independently Group action were successfully resolved for the benefit of their respective classes.

## Wage & Hour Litigation

Klafter Lesser LLP has a strong national reputation for helping employees obtain the overtime pay and other benefits to which they are entitled under the Federal Fair Labor Standards Act (FLSA) and comparable state laws. Its lawyers have successfully handled over [40] federal Fair Labor Standards Act cases and have obtained settlements worth more than a quarter of a billion dollars in class, collective and individual cases against defendants that have included Fortune 100 and other companies that have ranged from major retailers to nationwide financial institutions. In one case in which KL was co-lead counsel the \$34 million settlement was described by the United States District Judge who approved the settlement as a "magnificent result." *Nash v. CVS Caremark Corp.*, No. 09-cv-079-M (Order granting final approval, April 9, 2012). Another settlement (for \$20.9 million) in which KL was sole lead counsel was described by the Judge as "an excellent and optimal settlement award for the Class Members." *Craig v. Rite Aid Corp.*, No. 4:08-cv-2317, 2013 U.S. Dist. LEXIS 2658, at \*41 (M.D. Pa. Jan. 7, 2013). Ten years ago, another judge recognized KL as "experience[d] in handling wage and hour class actions and [having] knowledge of the applicable law," experience and knowledge that has only increased in the last decade. *Damassia v. Duane Reade, Inc.*, 250 F.R.D. 152, 165 (S.D.N.Y. 2008) (case settled for \$3.5 million).

In these cases, KL represents workers across the country when they are denied overtime and subjected to other wage violations. These include misclassifying employees as exempt from being paid overtime under the FLSA and state wage claim, failing to credit employees for all hours they have worked and failing to pay wages for time spent required by an employer to prepare for or wind up a workday.

Other notable wage and hour settlements the Firm has achieved include:

- *Snodgrass v. Bob Evans Farms, LLC*, 2:12-cv-768 (S.D. Ohio) (\$16.5 million settlement);
- *Lapan v. Dick's Sporting Goods, Inc.*, 13-cv-11390-RGS (D. Mass.) (\$10 million settlement);
- *Ravenell v. Avis Budget Car Rental, LLC et al.*, 08-cv-02113 (E.D.N.Y.) (7.8 million settlement);
- *Stevens v. Electronic Data Systems Corp.*, 08-cv-10409 (S.D.N.Y.) (\$11.8 million);
- *Herring v. Hewitt Inc.*, 3:06-cv-267 (D.N.J.) (TJB) (\$4.9 million class settlement of FLSA and state claims);
- *Caissie v. BJ's Wholesale Club*, 08-CV-30220 (D. Mass.) (MAP) (\$9.15 million settlement);
- *Nash, et al. v. CVS Caremark Corp.*, 09-cv-078 (D.R.I.) (JM) (\$34 million settlement);
- *Craig v. Rite Aid Corp.*, 08-cv-2317 (M.D. Pa.) (\$20.9 million settlement);
- *Rancharan v. Family Dollar Corp.*, 10-cv-07580 (S.D.N.Y.) (\$14 million settlement); and
- *Wilkie v. Gentiva Health Services, Inc.*, 10-cv-01451 (N.D. Cal.) (\$5 million settlement).

KL will take its cases as far they need to go to obtain relief for their wage and hour clients. In fact, perhaps uniquely, the Firm has twice taken collective actions to trial (and won both). In 2009, Klafter Lesser LLP was co-lead counsel in what is one of the first FLSA misclassification collective actions ever tried to a jury. After the six week trial, plaintiffs prevailed on all points, obtaining a verdict finding that the defendant there, Staples, Inc., had willfully violated the FLSA in failing to pay assistant store managers for hours worked overtime. The jury awarded the 342 collective action members a verdict of \$2.4 million, which the Court doubled to \$4.2 million because of the finding of wilfullness. KL acted as the lead counsel in obtaining a \$42 million settlement against Staples, Inc. that resolved the jury award that KL obtained, as well as a number of other cases that constituted MDL-2025, in which was asserted that Staples misclassified assistant store managers as exempt from receiving overtime for hours worked in excess of 40 hours per week. *In re Staples Inc. Wage & Hour Employment Practices Litigation*, No. 08-5746 (D.N.J.) (KSH) (MDL-2025).

KL has also pursued wage and hour claims by arbitration.

## Consumer and Commercial Law Litigation

Klafter Lesser LLP has extensive experience in the areas of complex commercial and consumer law. Whether representing individuals or business and whether through class or individual actions, the Firm's attorneys have recouped hundreds of millions of dollars for its clients in these areas.

The Firm's attorneys have been lead and co-lead counsel in major class action and federal Multi-District Litigation proceedings that successfully obtained recompense from banks, insurance companies, mortgage lenders, appraisers and title insurers, as well as rental companies, gasoline companies, automobile manufacturers, computer companies, and many others. Seth Lesser has been awarded the "Consumer Advocate of the Year" award by the National Association of Consumer Lawyers. One of his instance, he obtained over \$100 million – 100% of the individuals' out-of-pocket damages – for New Jersey consumers who paid hidden usurious interest in *Perez v. Rent-a-Center, Inc.*, Docket No. CAM-L-21-03 (Sup. Ct. N.J.), for victims of mortgage fraud, and for compelling a bank to refund interest charges improperly calculated for commercial borrowers.

## Civil Rights Litigation

Klafter Lesser LLP has actively prosecuted a number of lawsuits on behalf of individuals who have had their civil or Constitution rights violated.

The Firm's attorneys have obtained awards in many individual and class actions in which racial or gender discrimination was alleged, including the recent \$24.4 million settlement reached in a case involving historical racial discrimination in the sale of life insurance. In that case, as co-lead counsel, we obtained class certification, defeated the defendant's attempt to obtain interlocutory appellate review of the certification decision and prevailed against a motion for summary judgment, *Norflet v. John Hancock Life Ins. Co.*, No. Civil No. 3:04cv1099 (D. Conn.).

The Firm has also obtained significant recoveries on behalf of individuals who were illegally strip searched when they were arrested for non-serious crimes including a \$7.5 million class action settlement against one New Jersey county (*Hicks v. County of Camden*, Civ. No. 05-1857 (D.N.J.), a \$4.5 million settlement against another (*Suggs v. County of Cumberland*, Civ. No. 06-0087 (D.N.J.) and a \$4.0 million against a third (*Wilson v. Gloucester County*, Civ. No. 06-1368 (D.N.J.). The Firm is now involved in prosecuting such cases across the country. At the final approval hearing of the *Wilson v. Gloucester County* settlement, on March 18, 2010, Judge Irenas of the United States District Court for the District of New Jersey stated on the record that "The court already held that class counsel was adequate in the context of class certification. But more than just adequate, class counsel's performance in this case has been exemplary."

## Defective Medical Device and Hazardous Drug Litigation

The Firm's attorneys have extensive experience in representing victims of hazardous pharmaceutical drugs (such as Rezulin or Fen/Phen), defective medical devices (such as certain of Guidant's implantable defibrillators), and mass food poisonings (such as peanut butter contamination). We have represented not only individuals but also government agencies for reimbursement claims.

Our attorneys have been lead counsel in a number of such cases. One involved multiple LYMErix vaccine class actions which resulted, as a part of the settlement, in the withdrawal of the from the market - perhaps a unique and unprecedented resolution of a pharmaceutical class action - and which also set forth the terms pursuant to which the company could apply to the Food and Drug Administration to seek any reintroduction of the product. *Cassidy v. SmithKline Beecham*, No. 99-10423 (Ct. Common Pleas, PA state court).

In another national mass tort, one of our attorneys, Seth Lesser, has been serving as one of the co-lead counsel *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation*, MDL No. 05-1708 (DWF/AJB) (D. Minn.), where a \$240 million settlement has been obtained for individuals who faced economic and personal injury from defectively designed implantable defibrillators.

Our lawyers have also acted as the lead New York class counsel in the Fen/Phen diet drug litigation which obtained the first certification under New York law for a medical monitoring class, and acted as the designated New York class counsel in the nationwide multi-billion dollar settlement with American Home Products. We have experience serving on state and federal executive and plaintiffs' steering committees for other mass tort claims and Mr. Lesser has been a co-chair of the American Association for Justice's Food Borne Illness litigation group.

## AntiTrust Litigation

The Firm is currently prosecuting, with co-counsel, antitrust claims against Barclays Bank PLC arising from the Federal Energy Regulatory Commission's sanction of it for manipulating four Western electricity trading hubs.

The Firm currently has a role in the *In re Dental Supplies Antitrust Litigation*.

The Firm has had roles in a number of antitrust class actions including *In re Air Cargo Antitrust Litigation*, *In re Hydrogen Peroxide AntiTrust Litigation*, and *In re High Pressure Laminates Antitrust Litigation*.



## The Firm's Attorneys

### Jeffrey A. Klafter

**Jeffrey A. Klafter** has over thirty-five years of experience in prosecuting securities, breach of fiduciary duty, and commercial litigation. Mr. Klafter began his legal career with the Antitrust Division of the United States Department of Justice. After spending two years with the DOJ, Mr. Klafter entered private practice. From 1988 until mid-2003, Mr. Klafter was a partner of Bernstein Litowitz Berger & Grossmann LLP. Early in his career, Mr. Klafter was one of the principal lawyers responsible for the prosecution of over 100 defendants to recoup the losses suffered by the purchasers of municipal bonds issued by the Washington Public Power Supply System when it defaulted on those bonds. That litigation resulted in the recovery of over \$800 million, one of the largest securities fraud settlements in history. Mr. Klafter has also served as sole or co lead counsel in prosecuting numerous securities class actions on behalf of investors in common stock, municipal bonds, convertible debentures and preferred stock in which hundreds of millions of dollars have been recovered on behalf of investors.

Among the many notable achievements for which he had sole or shared responsibility before forming the Firm with Mr. Olsen are the recovery of \$48 million in *In re Independent Energy PLC Securities Litigation*; the recovery of \$300 million in *In Re: DaimlerChrysler AG Securities Litigation*, the decision of the Second Circuit Court of Appeals reversing the district court's dismissal of plaintiffs' complaint in *In re Scholastic Corp. Securities Litigation* and ultimate settlement of that litigation; the recovery with Mr. Olsen of \$27.1 million in *In re SmarTalk Teleservices Inc. Securities Litigation*, and a significant recovery on behalf of holders of Sun Oil Company preferred stock in litigation over the indenture governing the stock.

Since forming the Firm, Mr. Klafter has also served as special counsel to lead counsel in the *In re Ahold N.V. Securities & ERISA Litigation*, Civil No.: 1:03-MD-01539-CCB (D. Md.) in which \$1.1 billion was recovered on behalf of the class, had a significant role in the prosecution of the Countrywide Financial Corporation Securities Litigation, which settled for \$624 million; successfully prosecuted the claims of the Liquidating Trust created by the Bankruptcy Court that approved the bankruptcy plan for ProxyMed, the claims of

common shareholders in Living Independent Group, Inc. who did not receive any share of the General Electric Co.'s purchase price of the company, and the claims of investors in IMH Senior Loan Fund whose managers reorganized the Fund for their own benefit to the detriment to the investors.

Mr. Klafter has also been responsible for the prosecution of innovative and diverse litigation successfully challenging Delaware regulations governing the disposal of solid waste on behalf of waste haulers; the laying of fiber optic cable along railroad rights of way on behalf of adjoining landowners; and efforts to impose the cost of Y2K compliance on businesses and medical practices by suppliers of various computer software.

Mr. Klafter is a member of the Bar of the State of New York, the United States District Court for the Southern District of New York, other federal district courts, the Second Circuit Court of Appeals, and the United States Supreme Court. Mr. Klafter is a member of the Securities Law Committee of the Commercial and Federal Litigation Section of the New York State Bar Association; the Class Actions and Derivative Suits Committee of the Litigation Section of the American Bar Association, and is a noted author and lecturer on securities litigation issues.

### Seth R. Lesser

**Seth R. Lesser** practices in the areas of consumer advocacy, mass torts and wage and hour litigation, primarily on behalf of defrauded consumers, businesses and employees. In addition to handling cases at the trial court level, he also has an active appellate practice. He began his career at a large defense firm and subsequently was a partner at two plaintiff-oriented firms, Bernstein Litowitz Berger & Grossmann LLP and the Locks Law Firm. He joined the Firm in August, 2008.

Mr. Lesser is a graduate of Princeton University, A.B., summa cum laude (1983); Oxford University, D.Phil. in Modern History, recipient of a Marshall Scholarship (1985); and Harvard Law School, J.D., magna cum laude, where he was an editor of the Harvard Journal of International Law and of the Harvard Environmental Law Review (1985). In addition, he was the coxswain of the Oxford Blue Boat in the Oxford-Cambridge Boat Race (1984 & 1985).

Since 1995, Mr. Lesser has primarily represented plaintiffs in class and collective actions and mass tort cases. He has been the lead plaintiffs' counsel in dozens of successful class and/or collective actions in the areas of consumer, privacy, mass tort, employment and securities litigation. The cases where he has personally served as plaintiffs' lead counsel have returned in excess of half a billion dollars to clients. Federal Multidistrict Litigation proceedings where he was lead or co-lead counsel have including, among others, MDL-1346 (*In re Amazon-Alexa*) (sole lead); MDL-1352 (*In re Doubleclick*) (co-lead); MDL-1708 (*In re Guidant Implantable Heart Devices*) (co-lead); MDL-1739 (*In re Grand Theft Auto Video Game Consumer Litigation*) (sole lead); MDL-1903 (*In re Pepsico, Inc. Bottled Water Sales Practices*) (sole lead); MDL-2025 (*In re Staples, Inc. Wage & Hour Employment Practices Litig.*) (lead). He has been on numerous MDL Executive/Steering Committees, including, the Executive Committee in MDL-1845 (ConAgra Peanut Butter Products Liability Litigation), and serving as Law & Briefing Co-Chair of the Government Actions Committee in MDL-1657 (Vioxx Products Liability Litigation). Among other things, he was the lead New York class counsel in the Fen/Phen diet drug litigation and in that case obtained the first certification under New York law for a medical monitoring class, and was the New York class counsel in the settlement with American Home Products. In recent years, he has particularly handled numerous wage and hour litigations on behalf of employees denied payment of overtime wages. He was also class counsel in *Perez v. Rent-A-Center* (New Jersey State Court) where a \$109 million settlement returned to 100,000 New Jersey consumers over 100% of their out-of-pocket damages.

Mr. Lesser was the National Association of Consumer Advocates' Attorney of the Year in 2005 and is presently Co-Chair of the Board of Directors of that organization. He has been repeatedly recognized by his peers as a Superlawyer, and in two areas: New York class action practice and as one of the top 25 lawyers in Westchester County.

From 1998 through 2001, he served as the representative of the American Council on Consumer Interests to the United Nations. At present, he is on the *Amicus* Committee of the American Association for Justice; is on the Second Circuit Courts Committee of the Federal Bar Council; and is active in the Members Consultative Group of the American Law Institute's Restatement of the Law Third, Restitution and Unjust Enrichment project. He is a member of, *inter alia*, the American Law Institute; the American Bar Association; the Second Circuit Federal Bar Council; the Bar Association of the City of New York; the National Association of Consumer Advocates; the American Association for Justice; and the National Employment Lawyers Association.

Other professional organization appointments have included being the Chair of American Bar Association's Business Law Section's Environmental Litigation Subcommittee (1995-2002); the Co-Chair of the ABA's Business Law Section's Annual Review of Litigation (1995-1998); a member of the New York City Bar Association's Committees on Consumer Affairs (1995-1998) and Federal Courts (1998-2001); a member of the Federal Bar Council's Second Circuit Courts Committee (2006 to date); and Co-Chair of the American Association for Justice's Food-borne Illness Litigation Group (2007 to date). He also was the Chair of the National Association of Securities and Consumer Attorneys Consumer Committee from 2003 to 2005. He was asked to draft revisions to New York State's class action law (2002-2003; Report, 2003), as well as having been involved in the drafting of numerous recommendations, testimony, reports, and other materials for various professional organizations. His election to the American Law Institute was in 2008. In addition, Mr. Lesser is on the Editorial Advisory Board of the *Class Action Law Monitor*.

Mr. Lesser is the member of the bars of New York, New Jersey and the District of Columbia as well as nine United States District Courts, nine federal Courts of Appeal and the United States Supreme Court.

### **Christopher M. Timmel**

**Christopher M. Timmel** is an associate and a member of the bar of New York. His practice focuses on securities fraud and wage and hour class action litigation. Prior to joining the firm, Mr. Timmel worked at two nationally recognized law firms in New York, where his practice focused on private Section 10(b) and Rule 10b-5 litigation.

Mr. Timmel is a graduate of Dartmouth College and the University of Virginia School of Law, where he was sat on the Editorial Board of the Virginia Environmental Law Journal. He is also a graduate of Regis High School in New York City.

### **Sarah Sears**

**Sarah Sears** is an Associate of Klafter Lesser LLP and a member of the bar of New York. Prior to joining the firm, Sarah was a litigation associate at a boutique firm in New York City with a concentration on commercial litigation and intellectual property. She also previously worked as a legal fellow in the Office of the General Counsel at NPR, where she concentrated on content licensing, copyright law, corporate governance and privacy law.

Ms. Sears graduated *cum laude* from Skidmore College with a double major in political science and international affairs and received her J.D. from Georgetown University Law Center.





UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PEPSICO INC., BOTTLING GROUP, LLC, )  
CB MANUFACTURING COMPANY, INC., )  
FL TRANSPORTATIONS, INC., FRITO- )  
LAY, INC., GOLDEN GRAIN, INC., )  
GRAYHAWK LEASING, LLC, JUICE )  
TRANSPORT, INC., NEW BERN )  
TRANSPORT CORPORATION, PEPSI )  
NORTHWEST BEVERAGES, LLC, PEPSI- )  
COLA SALES & DISTRIBUTION, INC., )  
PEPSI-COLA BEVERAGE SALES, LLC, )  
PEPSICO SALES, INC., QUAKER )  
MANUFACTURING, LLC, ROLLING )  
FRITO-LAY SALES, LP, SVC )  
MANUFACTURING, INC., TROPICANA )  
MANUFACTURING CO., TROPICANA )  
PRODUCT SALES, INC., TROPICANA )  
SERVICES, INC., )  
Defendants. )

MOISES MADRIZ AND RODNEY )  
ULLOA, individually and on behalf of all )  
others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. ) CASE NO. 1:22-cv-04851-NSR  
 )  
PEPSICO, INC.; NAKED JUICE CO.; )  
NAKED JUICE CO. OF GLENDALE, INC.; )  
TROPICANA PRODUCTS, INC.; )  
TROPICANA SERVICES, INC., and DOES )  
#1 through #50, inclusive, )  
 )  
Defendants. )

RICARDO VIDAUD and JORGE )  
MENDOZA, each individually and on )  
behalf of all others similarly situated, )  
 )  
Plaintiff, )  
 ) CASE NO. 1:22-cv-04850-NSR  
v. )  
 )  
PEPSICO INC., NEW BERN )  
TRANSPORT CORPORATION, and )  
DOES #2 through #50, inclusive, )  
 )  
Defendant.  
 )  
SETH MARSHALL and MATTHEW )  
WHITE, individually and on behalf of all )  
others similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. ) CASE NO. 7:22-cv-02370-NSR  
 )  
PEPSICO INC., BOTTLING GROUP, )  
LLC, and CB MANUFACTURING )  
COMPANY, INC., )  
 )  
Defendants. )  
 )  
TYRELL KING, individually and on behalf ) CASE NO. 4:22-cv-00360-NSR  
of all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PEPSICO INC., )  
 )  
Defendant. )  
 )  
KENNETHA MITCHELL, individually and )  
on behalf of all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. ) CASE NO. 7:22-cv-04555-NSR  
 )

PEPSICO INC.,	)	
	)	
Defendant.	)	
	)	
DONEDWARD WHITE, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 7:22-cv-05198-NSR
	)	
PEPSICO INC.,	)	
	)	
Defendant.	)	
	)	
JAMAL WINGER, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:22-cv-04828-NSR
	)	
THE QUAKER OATS CO.,	)	
	)	
Defendant.	)	
	)	
ALLISON POULSON, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 7:22-cv-05196-NSR
	)	
PEPSICO INC. d/b/a PFS and FRITO-LAY,	)	
INC.	)	
	)	
Defendants.	)	
	)	
ROBNEY IRVING-MILLENTREE,	)	
individually and on behalf of all others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:22-cv-04784-NSR

PEPSICO INC.,	)	)	)
Defendant.	)	)	)
TRACY ELLIS,	)	)	)
individually and on behalf of all others	)	)	)
similarly situated,	)	)	)
Plaintiff,	)	)	)
v.	)	CASE NO. 7:22-cv-05200-NSR	)
PEPSICO INC.,	)	)	)
Defendant.	)	)	)
THOMAS PARRISH, individually and on	)	)	)
behalf of all others similarly situated,	)	)	)
Plaintiff,	)	)	)
v.	)	CASE NO. 7:22-cv-04556-NSR	)
FRITO-LAY NORTH AMERICA, INC. and	)	)	)
PEPSICO, INC.	)	)	)
Defendants.	)	)	)
DEVIN DROBSCH, individually and on	)	)	)
behalf of all others similarly situated,	)	)	)
Plaintiffs,	)	)	)
v.	)	CASE NO. 7:22-cv-04216-NSR	)
PEPSICO INC.,	)	)	)
Defendant.	)	)	)
JOSHUA SMITH, individually and on behalf	)	)	)
of all others similarly situated,	)	)	)
Plaintiff,	)	)	)
v.	)	CASE NO. 7:22-cv-04238-NSR	)

PEPSICO INC.,	)
	)
Defendant.	)
	)
JACOB TSCHUDY, individually and on	)
behalf of all others similarly situated,	)
	)
Plaintiff,	)
	)
v.	) CASE NO. 7:22-cv-04212-NSR
	)
PEPSICO INC.,	)
	)
Defendant.	)
	)

**DECLARATION OF PLAINTIFFS' COUNSEL RYAN A. WINTERS  
OF SCOTT & WINTERS LAW FIRM, LLC**

I, Ryan A. Winters, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct to the best of my personal knowledge, information, and belief:

**INTRODUCTION**

1. I am an attorney and partner at Scott & Winters Law Firm, LLC (“S&W”).
2. I am an attorney at law, duly admitted to practice before the courts and administrative agencies of the State of Ohio.
3. I am one of the attorneys representing Plaintiffs Emanuele Stevens, *et al.*, who filed this matter against Defendants PepsiCo Inc., *et al.* (“PepsiCo” or “Defendants”).
4. This declaration addresses S&W’s experience in complex litigation, including wage-and-hour litigation arising under the Fair Labor Standards Act and analogous state laws.

**S&W's Wage & Hour Experience**

5. I, Attorney **Ryan A. Winters**, graduated from the University of Iowa, College of Law in 2010. I am admitted to practice law in the State of Ohio, the United States Court of Appeals for the Sixth Circuit, the United States District Court for the Northern District of Ohio, the United States District Court for the Southern District of Ohio, the United States District Court for the Eastern District of Michigan, and the United States District Court for the District of North Dakota. I have over 10 years of civil litigation experience, and I have presented on wage and hour issues to other lawyers for Continuing Legal Education.

6. My professional career has been focused on employment litigation generally, and wage and hour civil litigation specifically.

7. I have served as co- and/or lead-counsel in over 100 wage and hour matters brought in the United States District Court for the Northern District of Ohio, the United States District Court for the Southern District of Ohio, the United States District Court for the Eastern District of Michigan, the United States District Court for the Western District of Pennsylvania, the United States District Court for the District of North Dakota, the United States District Court for the District of Utah, the United States District Court for the Southern District of Iowa, the United States District Court for the Southern District of New York, and the Cuyahoga County Court of Common Pleas.

8. Attorney **Joseph F. Scott** is a partner at S&W. Attorney Scott graduated from the University of Akron, School of Law where he was a member of the Law Review in May, 1985. He subsequently passed the Ohio Bar examination and was admitted to the practice of law in the State of Ohio in November 1985. He was further admitted to the United States District Court for the Northern District of Ohio in December 1985 and the United States Sixth Circuit Court of

Appeals in January 1986. He is also admitted to practice before the United States District Court for the Southern District of Ohio, the United States District Court for the District of North Dakota, and the United States District Court for the Eastern District of Michigan.

9. Attorney Scott's career has been focused on civil litigation. He has a wide range of experience conducting civil jury trials in both state and federal courts including matters concerning employment litigation, torts, wrongful death, construction law, federal civil rights litigation, and matters asserting claims under the Fair Labor Standards Act. Attorney Scott has served as lead counsel in over 200 matters brought in federal district courts. He has also served as co- and/or lead counsel in matters brought in the United States District Court for the Southern District of Ohio, the United States District Court for the District of North Dakota, the United States District Court for the Eastern District of Michigan and has obtained pro hoc vice admission in the United States District Court for the District of Columbia, the United States District Court for the Southern District of New York, the United States District Court for the Southern District of Iowa, the United States District Court for the District of Utah, and the United States District Court for the Western District of Pennsylvania.

10. Attorney **Kevin M. McDermott II** is a partner at S&W. Attorney McDermott is a graduate of Cleveland-Marshall College of Law and was admitted to practice law by the Ohio Supreme Court in November, 2013. Attorney McDermott has approximately 8.5 years of civil litigation and wage and hour experience. He is also admitted to practice before the United States Court of Appeals for the Sixth Circuit, the United States District Court for the Northern District of Ohio, the United States District Court for the Southern District of Ohio, the United States District Court for the Eastern District of Michigan, the United States District Court for the Western District of Pennsylvania, and the United States District Court for the District of North

Dakota, and has obtained pro hoc vice admission in the United States District Court for the Southern District of Iowa, the United States District Court for the District of Utah, and the United States District Court for the Southern District of New York. Attorney McDermott began working on wage and hour litigation immediately upon starting practice. He frequently represents workers in employment-related disputes including wage-and-hour matters related to unpaid overtime compensation; unpaid minimum wage; employers misclassifying employees as independent contractors; employers misclassifying employees as exempt; improper time rounding and/or editing practices; improper tip practices; unpaid compensable preliminary and postliminary work; unpaid workday travel time; and unpaid compensable meal periods and rest periods.

11. Attorney McDermott's professional career has been focused on employment litigation generally, including wage and hour civil litigation specifically. He frequently represents individuals and groups of employees in class, collective and individual wage and hour actions. Attorney McDermott has served as co- and/or lead-counsel in over 80 wage and hour matters brought in federal and state courts. He has briefed and won before Ohio's Eighth District Court of Appeals and the United States Court of Appeals for the Sixth Circuit in employment matters involving unpaid wages.

12. Representative matters involving claims primarily arising under the Fair Labor Standards Act and/or analogous state laws in which members of our firm have served as counsel include the following:

- *Macaluso v. Zirtual Startups, LLC*, United States District Court for the Southern District of Ohio, Case No. 2:19-CV-3616, 2021 U.S. Dist. LEXIS 154243, at \*18-19 (Aug. 17, 2021) (“In particular, Plaintiff's counsel [S&W] brings substantial collective experience in litigating claims under FLSA. [] Counsel zealously advocated for the Opt-In Plaintiffs' interests throughout the entirety of this litigation”) (collective action settlement);

- *Wright v. Premier Courier, Inc.*, S.D.Ohio No. 2:16-cv-420, 2018 U.S. Dist. LEXIS 140019, at \*18-19 (Aug. 17, 2018) (“Class Counsel have extensive experience in class action litigation similar to this action... the hours expended and time records submitted by Class Counsel further underscore their competency and efficient handling of this matter, favoring approval.”) (class action settlement);
- *Gilbo v. Agment, LLC*, 831 F.App'x 772, 778 (6th Cir.2020) (Affirming FLSA / state law liability and damages summary judgment decision in plaintiffs'-clients' favor);
- *Vance v. Village of Highland Hills*, 6th Cir. No. 21-3066, 2021 U.S. App. LEXIS 32156, at \*4-5 (Oct. 26, 2021) (affirming judgment in plaintiff's-client's favor);
- *Estrella v. Gupta*, 8th Dist. Cuyahoga No. 105999, 2018-Ohio-589 (affirming default judgment in plaintiff's-client's favor);
- *Noland-Moore v. City of Cleveland*, United States District Court for the Northern District of Ohio, Case No. 1:18-CV-2730 (class action settlement);
- *Clarke v. Revenue Assistance Corporation*, United States District Court for the Northern District of Ohio, Case No. 1:16-CV-1667 (class action settlement);
- *Ellis, et al., v. CA Restaurant Group, LLC*, United States District Court for the Northern District of Ohio, Case No. 1:18-cv-01058 (class action settlement);
- *Alward v. Marriott International, Inc.*, United States District Court for the Northern District of Ohio, Case No. 1:18cv2337 (class action settlement);
- *Ferguson v. DIRECTV, LLC et al.*, United States District Court for the Northern District of Ohio, Case No. 1:15-cv-02636 (class action settlement) (employment FCRA case);
- *Durr v. Lady Jane's Haircuts for Men Holding Company, et al.*, United States District Court for the Southern District of Ohio, Case No. 2:17-cv-00971; *Siroka/Griffin v. Lady Jane's Hair Cuts for Men Holding Company, LLC*, United States District Court for the Eastern District of Michigan, Case No. 3:18-cv-11075 (consolidated cases) (collective action settlement);

- *Goldsmith v. Ball, Bounce and Sport, Inc.*, United States District Court for the Northern District of Ohio, Case No. 1:17-cv-00341 (class action settlement);
- *Brown v. Speed North America, Inc.*, United States District Court for the Northern District of Ohio, Case No. 5:20-cv-02535 (class action settlement);
- *Gunter v. Diamond Technical Services, Inc.*, United States District Court for the Western District of Pennsylvania, Case No. 2:20-cv-01428 (class action settlement);
- *Halcomb, Jr. v. Taiho Corporation of America*, United States District Court for the Northern District of Ohio, Case No. 3:21cv1372 (collective action settlement);
- *Coffman v. AM Communications, Inc., et al., Howell v. Field Management Group LLC et al.*, United States District Court for the Northern District of Ohio, consolidated Case Nos. 1:21cv190 and 1:21cv637 (collective action settlement);
- *Green v. Mercy Home Healthcare Services, LLC, et al.*, United States District Court for the Northern District of Ohio, Case No. 1:21-cv-01166 (collective action settlement);
- *King v. Bailey's Quality Plumbing and Heating LLC, et al.*, United States District Court for the Northern District of Ohio, Case No. 5:20-cv-00571 (collective action settlement);
- *Wilbon v. WarmLiving Health Care, LLC, et al.*, United States District Court for the Northern District of Ohio, Case No. 1:19-cv-01661 (collective action settlement);
- *Callahan v. Progressive Living, Inc.*, United States District Court for the Northern District of Ohio, Case No. 3:20-cv-00358 (collective action settlement);
- *Samuelson v. FMS Lawn & Landscape LLC*, United States District Court for the Northern District of Ohio, Case No. 3:19-cv-01194 (collective action settlement);
- *Rankin v. Incept Corporation, et al.*, United States District Court for the Northern District of Ohio, Case No. 5:20cv436 (collective action settlement);
- *Nagy v. Forest City Technologies, Inc. et al.*, United States District Court for the Northern District of Ohio, Case No. 1:19cv2290 (class action settlement);

- *Pop v. Permco, Inc. et al.*, United States District Court for the Northern District of Ohio, Case No. 5:19cv659 (collective action settlement);
- *Westfall v. Technology Install Partners, LLC*, United States District Court for the Northern District of Ohio, Case No. 1:17-cv-1026 (collective action settlement);
- *Marks v. Xcel Healthcare Providers Inc., et al.*, United States District Court for the Northern District of Ohio, Case No. 1:17-cv-1541 (collective action settlement);
- *Diaz, et al. v. New Work City, Inc., et al.*, United States District Court for the Northern District of Ohio, Case No. 5:16-cv-2319 (collective action settlement);
- *Little, et al., v. Lednor Corporation, et al.*, United States District Court for the Northern District of Ohio, Case No. 1:17-cv-1904 (collective action settlement);
- *Mandour v. Newman Technology, Inc.*, United States District Court for the Northern District of Ohio, Case No. 1:13-CV-1222 (collective action settlement);
- *Hodges v. Salvanalle, Inc., et al.*, United States District Court for the Northern District of Ohio, Case No. 1:12-CV-02851 (collective action settlement);
- *Arocho v. Crystal Clear Building Services, Inc., et al.*, United States District Court for the Northern District of Ohio, Case No. 1:12-CV-2186 (collective action settlement);
- *Pearson v. CSK Auto, Inc.*, United States District Court for the Northern District of Ohio, Case No. 1:12-CV-2905 (collective action settlement);
- *Walker, et al. v. Reliable Runners Courier Service, Inc.*, United States District Court for the Northern District of Ohio, Case No. 1:15-CV-00760 (collective action settlement);
- *Graybill v. KSW Oilfield Rental, LLC*, United States District Court for the Southern District of Ohio Case No. 2:15-CV-2462 (class action settlement);
- *Terry, et al. v. ProMark Contracting, LLC, et al.*, United States District Court for the Northern District of Ohio, Case No. 1:14-CV-2542 (wage action jury trial resulting in judgment for plaintiff-client; granting S&W's request for attorney fees and costs);

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 14, 2022.

Respectfully submitted,

s/ Ryan A. Winters

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812 Huron Rd. E., Suite 490  
Cleveland, OH 44115  
P: (216) 912-2221 | F: (216) 350-6313  
rwinters@ohiowagelawyers.com

*An Attorney for Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EMANUELE STEVENS, individually and on )  
behalf of all others similarly situated, )  
Plaintiff, )  
v. ) CASE NO. 7:22-cv-00802-NSR

PEPSICO INC., BOTTLING GROUP, LLC, )  
CB MANUFACTURING COMPANY, INC., )  
FL TRANSPORTATIONS, INC., FRITO- )  
LAY, INC., GOLDEN GRAIN, INC., )  
GRAYHAWK LEASING, LLC, JUICE )  
TRANSPORT, INC., NEW BERN )  
TRANSPORT CORPORATION, PEPSI )  
NORTHWEST BEVERAGES, LLC, PEPSI- )  
COLA SALES & DISTRIBUTION, INC., )  
PEPSI-COLA BEVERAGE SALES, LLC, )  
PEPSICO SALES, INC., QUAKER )  
MANUFACTURING, LLC, ROLLING )  
FRITO-LAY SALES, LP, SVC )  
MANUFACTURING, INC., TROPICANA )  
MANUFACTURING CO., TROPICANA )  
PRODUCT SALES, INC., TROPICANA )  
SERVICES, INC. )

Defendants. )  
)  
)

MOISES MADRIZ AND RODNEY )  
ULLOA, individually and on behalf of all )  
others similarly situated, )

Plaintiff,  
)  
)  
)

v. ) CASE NO. 1:22-cv-04851-NSR

PEPSICO, INC.; NAKED JUICE CO.;  
NAKED JUICE CO. OF GLEN DORA, INC.;  
TROPICANA PRODUCTS, INC.;  
TROPICANA SERVICES, INC., and DOES  
#1 through #50, inclusive.

Defendants.

RICARDO VIDAUD and JORGE )  
MENDOZA, each individually and on )  
behalf of all others similarly situated, )  
 )  
Plaintiff, )  
 ) CASE NO. 1:22-cv-04850-NSR  
v. )  
 )  
PEPSICO INC., NEW BERN )  
TRANSPORT CORPORATION, and )  
DOES #2 through #50, inclusive, )  
 )  
Defendant.  
 )  
SETH MARSHALL and MATTHEW )  
WHITE, individually and on behalf of all )  
others similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. ) CASE NO. 7:22-cv-02370-NSR  
 )  
PEPSICO INC., BOTTLING GROUP, )  
LLC, and CB MANUFACTURING )  
COMPANY, INC., )  
 )  
Defendants.  
 )  
TYRELL KING, individually and on behalf ) CASE NO. 4:22-cv-00360-NSR  
of all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PEPSICO INC., )  
 )  
Defendant.  
 )  
KENNETHA MITCHELL, individually and )  
on behalf of all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. ) CASE NO. 7:22-cv-04555-NSR  
 )  
PEPSICO INC., )

Defendant. )  
DONEDWARD WHITE, individually and on )  
behalf of all others similarly situated, )  
Plaintiff, )  
v. ) CASE NO. 7:22-cv-05198-NSR  
PEPSICO INC., )  
Defendant. )  
JAMAL WINGER, individually and on )  
behalf of all others similarly situated, )  
Plaintiff, )  
v. ) CASE NO. 1:22-cv-04828-NSR  
THE QUAKER OATS CO., )  
Defendant. )  
ALLISON POULSON, individually and on )  
behalf of all others similarly situated, )  
Plaintiff, )  
v. ) CASE NO. 7:22-cv-05196-NSR  
PEPSICO INC. d/b/a PFS and FRITO-LAY, )  
INC. )  
Defendants. )  
ROBNEY IRVING-MILLENTREE, )  
individually and on behalf of all others )  
similarly situated, )  
Plaintiff, )  
v. ) CASE NO. 1:22-cv-04784-NSR  
PEPSICO INC., )

Defendant.	)	
TRACY ELLIS,	)	
individually and on behalf of all others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 7:22-cv-05200-NSR
	)	
PEPSICO INC.,	)	
	)	
Defendant.	)	
	)	
THOMAS PARRISH, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 7:22-cv-04556-NSR
	)	
FRITO-LAY NORTH AMERICA, INC. and	)	
PEPSICO, INC.	)	
	)	
Defendants.	)	
	)	
DEVIN DROBSCH, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 7:22-cv-04216-NSR
	)	
PEPSICO INC.,	)	
	)	
Defendant.	)	
	)	
JOSHUA SMITH, individually and on behalf	)	
of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 7:22-cv-04238-NSR
	)	
PEPSICO INC.,	)	
	)	
Defendant.	)	
	)	

JACOB TSCHUDY, individually and on behalf of all others similarly situated, )  
Plaintiff, )  
v. ) CASE NO. 7:22-cv-04212-NSR  
PEPSICO INC., )  
Defendant. )

**DECLARATION OF ANDREW R. FRISCH IN SUPPORT OF**  
**UNOPPOSED MOTION FOR CLASS CERTIFICATION AND PRELIMINARY**  
**APPROVAL OF SETTLEMENT AGREEMENT**

I, Andrew R. Frisch, declare under 28 U.S.C. § 1746 as follows:

1. My name is ANDREW FRISCH. I am over the age of eighteen (18) and competent to testify as to the matters stated herein.

2. I am a partner at Morgan & Morgan, P.A. ("M&M") in Plantation, Florida, in charge of the firm's nationwide class/collective action employment practice.

3. M&M is a national firm, with over 800 attorneys, that represents plaintiffs in a wide variety of employment matters including individual and collective/class action litigation involving wage and hour claims.

4. M&M is the largest Plaintiff-side law firm in the United States, with over 800 attorneys and over 3,000 non-lawyer employees.

5. As an attorney for M&M, I am responsible for prosecuting, as lead counsel, federal and state labor and employment claims, including claims arising under Title VII, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Florida Civil Rights Act, the Fair Labor Standards Act (“FLSA”), and various parallel state and local municipal wage and hour laws, among others.

6. To date, M&M has recovered billions of dollars recovered on behalf of our

clients in single-plaintiff cases, mass tort cases, and a multitude of class and collective actions in both the consumer and employment realm.

7. I was/am co-lead counsel in the above-captioned matters.

#### **COUNSEL'S BACKGROUND AND EXPERIENCE**

8. I completed my undergraduate studies at the University of Michigan (Ann Arbor), where I obtained a Bachelor of Arts (1997), and served as an assistant to the Honorable Lynn Rivers, then the Congressperson from Ann Arbor in the United States House of Representatives. After my graduation from the University of Michigan, I attended law school at the Benjamin N. Cardozo School of Law in New York, where I graduated in the top of my class and earned a Juris Doctor degree (2000). While in law school, I served as a student law clerk for the Honorable Denis R. Hurley of the Eastern District of New York, and received numerous scholastic honors.

9. I was admitted to the bars of the State of New York and New Jersey in 2001, the bar of the State of Florida in 2006, and the bar of the State of Georgia in 2012. Additionally, I am admitted to the bars of the Third, Fourth, Fifth, Sixth, and Eleventh Circuit Court of Appeals and Middle, Northern and Southern Districts of Florida, Eastern, Northern, Southern, and Western Districts of New York, District of New Jersey, Court of Federal Claims, Northern and Southern Districts of Texas, District of Colorado, Eastern and Western Districts of Tennessee, Middle and Northern Districts of Georgia, Northern District of Illinois, and Eastern District of Michigan. I am a member in good standing of each of these bars.

10. I have been practicing law since January 2001, have successfully handled hundreds of FLSA/state wage and hour class and collective action cases (in multiple states and venues).

11. I have served or am serving as lead counsel in Wage and Hour Class/Collective Actions in the Middle, Northern and Southern District of Florida, Southern District of Texas, Eastern and Southern Districts of New York, District of New Jersey, Eastern District of North Carolina, Southern and Northern Districts of Mississippi, Eastern, Middle and Western Districts of Tennessee, Southern District of Ohio, Middle, Northern and Southern Districts of Georgia, District of Colorado, District of Oregon, and the Court of Federal Claims. *See, e.g., Fairley v. Knights Marine and Industrial Services, Inc.*, Case 1:15-cv-00047-LG-RHW, D.E. 43 (S.D. Miss. May 29, 2015) (nationwide class of tradesmen alleging miscalculation of their overtime); *Case v. Danos & Curole Marine Contractors, L.L.C.*, 2015 WL 1978653 (E.D. La. May 4, 2015); *Kutzback v. LMS Intellibound, LLC*, 2015 WL 1393414 (W.D. Tenn. Mar. 25, 2015) (nationwide class of unloaders asserting off-the-clock claims); *Miller v. Garibaldi's Inc.*, 2015 WL 1170956 (S.D. Ga. Mar. 13, 2015); *Bath v. Red Vision Systems, Inc.*, 2014 WL 2436100 (D.N.J. May 29, 2014); *Thompson v. Direct General Consumer Products, Inc.*, 2014 WL 884494 (M.D. Tenn. March 5, 2014) (nationwide class of insurance agents); *Palma v. MetroPCS Wireless, Inc.*, 2013 WL 6597079 (M.D. Fla. Dec. 16, 2013)(nationwide class of account service representatives); *White v. NTC Transp., Inc.*, 2013 WL 5874566 (N.D. Miss. Oct. 31, 2013); *Cooper v. East Coast Assemblers, Inc.*, 2013 WL 308880 (S.D. Fla. Jan. 25, 2013)(certifying nationwide class of “assemblers” regarding unpaid overtime claims); *Young v. Dollar Tree Stores, Inc.*, 1:11-cv-01840-REB-MJW, D.E. 264 (D. Colo. Aug. 24, 2012)(conditionally certifying a nationwide class of over 35,000 “assistant store managers” pursuing off-the-clock claims); *Hardesty v. Litton's Market and Restaurant, Inc.*, 2012 WL 6046743 (E.D. Tenn. Sept. 28, 2012)(class of tipped servers alleging tip credit violations); *Toure v. Amerigroup Corp.*, 2012 WL 1432302, (E.D.N.Y. April 20, 2012); *Elliott v. Amspec Services, LLC*, 2011 WL 6002019 (D.N.J. Nov. 29, 2011)(certifying nationwide class of “oil,

gas and chemical inspectors"); *Mainor v. Lazer Spot, Inc.*, 2011 U.S. Dist. LEXIS 151990, at \*8 (N.D. Ga. Aug. 9, 2011)(nationwide class of yard jockeys); *Dacar v. Saybolt, LP*, 4:11-cv-00433, D.E. 135 (S.D. Tex. June 2, 2011); *Aponte v. Comprehensive Health Management, Inc.*, 2011 WL 2207586 (S.D.N.Y. June 2, 2011); *Alvarez v. Gold Belt, LLC*, 2011 WL 1337457 (D.N.J. Apr. 7, 2011); *Mills v. RM International, Inc.*, 3:11-cv-00129, D.E. 38 (D. Or. March 31, 2011)(conditionally certifying nationwide class of "test drivers"); *Reyes v. AT & T Corp.*, 2011 WL 3517004 (S.D. Fla. Feb. 28, 2011)(conditionally certifying a nationwide class of "retail account executives"); *Brantley v. Inspectorate America Corp.*, 4:09-cv-02439, D.E. 43 (S.D. Tex. April 14, 2010); *Gayle v. United States*, 85 Fed. Cl. 72 (2008).

12. Additionally, I have repeatedly been held to be adequate class counsel in claims arising under various state's wage and hour laws. *See, e.g., Seghroughni v. Advantus Restaurant, Inc.*, 2015 WL 390329, at \*2 (M.D. Fla. Jan. 28, 2015) (appointing Frisch and Morgan & Morgan as class counsel in Florida minimum wage class action); *Deleon v. Wells Fargo, N.A.*, 1:12-cv-04494-RLE, D.E. 39 (S.D.N.Y. Jan. 12, 2015) (appointing Frisch and M&M as class counsel in NYLL class action); *Reyes v. AT&T Mobility Services, LLC*, 1:10-cv-20837-MGC, D.E. 191 (S.D. Fla. Dec. 20, 2012) (appointing Frisch as class counsel); *Toure v. Amerigroup Corp.*, 2012 WL 3240461, at \*5 (E.D.N.Y. August 6, 2012) ("Class Counsel have substantial experience prosecuting and settling employment class actions, including wage and hour class actions, and are well-versed in wage and hour law and in class action law."); *Aponte v. Comprehensive Health Management, Inc.*, 2011 WL 2207586, at \*12 (S.D.N.Y. June 2, 2011) (finding that Frisch and Morgan & Morgan "are qualified, experienced, and capable of acting as lead counsel" in wage and hour class actions).

13. I have also tried more than two dozen jury trials in the state and federal courts of Florida, Georgia, Kentucky and New York, as well as over one hundred final administrative

hearings in multiple states and forums.

14. Additionally, I have handled numerous cases as appellate counsel in administrative proceedings, as well as in state and federal court proceedings.

15. I am a member of the National Employment Lawyers Association (“NELA”). I am also an active member of various trial lawyer organizations, including the Florida Justice Association (“FJA”), the Palm Beach County Justice Association (“PBCJA”), the Broward County Justice Association (“BCJA”) and the New York State Trial Lawyers Association (“NYSTLA”).

16. Further, I have published multiple articles on Wage and Hour subjects in different periodicals. I am also author/publisher of the “Overtime Law Blog” website <http://flsaovertimelaw.com>, a frequently updated site pertaining to recent developments in FLSA and Wage and Hour jurisprudence.

17. Given my expertise in wage and hour law, I am frequently asked to present to groups of attorneys and/or paralegals at speaking engagements. *See, e.g.*, Lecturer, “Overtime and Fair Labor Standards Act,” Palm Beach County Chapter of Paralegal Association of Florida, Inc., May 9, 2007; also Lecturer, “Title VII of the Civil Rights Act of 1964; Age Discrimination in Employment Act (ADEA); Older Workers Benefits Protection Act (OWBPA); Florida Whistleblowers Act,” Florida Workers’ Advocates, FWA’s 17th Annual Education Conference, June 9, 2007; Lecturer, “Best Strategies for Handling Fair Labor Standards Act (FLSA) Litigation by the Plaintiff and Defendant,” Florida Bar Labor and Employment Section, Advanced Labor Topics 2012, April 14, 2012; Lecturer, “Calculating Damages Under the FLSA to Maximize Your Claims,” Practice Made Perfect’s Wage & Hour Seminar, February 7, 2013.

I declare under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is

true and correct.

**Executed this 13th day of July, 2022**

**/s/ ANDREW R. FRISCH**

Andrew R. Frisch  
Morgan & Morgan, P.A.  
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Plantation, FL 33324  
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## CURRICULUM VITAE OF MATTHEW SCOTT PARMET

### LICENSES & ADMISSIONS:

#### State Bars and Supreme Courts

Texas, 2009	California, 2014
Louisiana, 2010	Colorado, 2019

#### Supreme Court of the United States

#### United States Courts of Appeals for the Fifth, Ninth, and Tenth Circuits

#### United States District Courts

E.D. Arkansas	E.D. Louisiana	W. D. Pennsylvania
W.D. Arkansas	M.D. Louisiana	E.D. Tennessee
C.D. California	W.D. Louisiana	M.D. Tennessee
E.D. California	D. Maryland	W.D. Tennessee
N.D. California	E.D. Michigan	E.D. Texas
S.D. California	W.D. Michigan	N.D. Texas
D. Colorado	E.D. Missouri	S.D. Texas
Dist. of Columbia	D. Nebraska	W.D. Texas
C.D. Illinois	D. New Mexico	E.D. Wisconsin
N.D. Illinois	D. North Dakota	W.D. Wisconsin
N.D. Indiana	N.D. Ohio	
S.D. Indiana	W.D. Oklahoma	

### LEGAL EXPERIENCE:

#### PARMET PC

Houston, TX

Attorney

May 2018 – Present

- Representing plaintiffs in wage-and-hour class and collective actions throughout the United States, as well as select personal injury plaintiffs and commercial litigants.

#### BRUCKNER BURCH PLLC

Houston, TX

Associate Attorney

September 2015 – May 2018

- Represented plaintiffs in wage-and-hour class and collective actions throughout U.S.

#### SICO WHITE HOELSCHER HARRIS & BRAUGH LLP

Houston, TX

Associate Attorney

March 2013 – September 2015

- Represented plaintiffs in high-value, complex catastrophic injury and death cases, with emphasis on products liability, automotive and tire defects, commercial vehicle collisions, third-party claims arising from workplace injuries, and general negligence.

#### DOYLE RAIZNER LLP

Houston, TX

Associate Attorney

October 2010 – February 2013

- Represented plaintiffs in personal injury, Jones Act/maritime injury, insurance bad faith, Texas Deceptive Trade Practices Act, commercial vehicle collisions, products liability, toxic torts, and commercial litigation.

**EDUCATION:**

**TULANE UNIVERSITY LAW SCHOOL**

Juris Doctor

New Orleans, LA

May 2009

Honors: *Tulane Environmental Law Journal*—Senior Managing Editor, Volume 22

**COLLEGE OF LIBERAL ARTS, UNIVERSITY OF TEXAS**

Bachelor of Arts in Psychology and Spanish with Honors

Austin, TX

December 2005

Honors: *Phi Beta Kappa* Society

*Psi Chi*, National Honors Society in Psychology

Liberal Arts Honors Program

Activities: *Sigma Alpha Mu* Fraternity

**AWARDS & RECOGNITION:**

Texas Monthly / Texas Lawyer Magazines

Rising Star Super Lawyer, 2018, 2019, 2020, 2021, 2022

**CERTIFICATIONS:**

Guardian/Attorney ad Litem, State Bar of Texas, 2020 – present

**PROFESSIONAL ORGANIZATIONS:**

Houston Trial Lawyers Association, 2010 – present

Board of Directors, 2011 – present

Mexican American Bar Association, 2018 – present

National Employment Lawyers Association, 2015 – present

Texas Employment Lawyers Association, 2020 – present

**PUBLICATIONS:**

Comment, *Mitigation Models Inch Toward a Full Review: Even When Effective, the Fish and Wildlife Coordination Act Remains Overshadowed by NEPA*, 21 TUL. ENVTL. L.J. 449 (2008)

Recent Development, *Lemon v. Geren*, 22 TUL. ENVTL. L.J. 475 (2009)



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## SELECT SETTLEMENTS AND ATTORNEYS' FEES AWARDS

### SETTLEMENTS IN WAGE-AND-HOUR LITIGATION

Wage-and-hour cases in which Mr. Parmet served as counsel of record, had significant involvement on behalf of plaintiffs, and resulted in court-supervised settlements, with court-approved attorneys' fees, include:

*Cabanez v. Assist on Call, Inc.*, No. 3:20-cv-09470-VC, ECF No. 43 (N.D. Cal. Oct. 18, 2021) (granting preliminary approval of Rule 23 class action settlement of overtime claims under FLSA and California Labor Code, including attorneys' fees award as percentage of common fund), *final approval granted by* ECF No. 57 (N.D. Cal. Mar. 31, 2022)

*Venable v. Am. Consulting & Testing Inc.*, No. 6:20-cv-01232-RSS-PJH, 2022 WL 595738 (W.D. La. Feb. 25, 2022) (recommending approval of FLSA collective action, including attorneys' fees of 40% of recovery), *adopted by* 2022 WL 741698 (W.D. La. Mar. 10, 2022)

*Herrera v. EOS IT Mgmt. Sols., Inc.*, No. 5:20-cv-01093-LHK, ECF No. 75 (N.D. Cal. Dec. 20, 2021) (approving attorneys' fees in FLSA collective action)

*Virgin v. TruWest Credit Union*, No. 2:21-cv-00838-SPL, ECF No. 22 (D. Ariz. Sept. 13, 2021) (approving confidential FLSA settlement of individual claims, including separate award of attorneys' fees)

*Paredes v. CNC Oilfield Servs., LLC*, No. 5:20-cv-00600-FB-RBF, ECF No. 49 (W.D. Tex. Sept. 8, 2021) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Leja v. Brousseau Mgmt. Co. LLC*, No. 3:19-cv-00269-BAJ-EWD, ECF No. 68 (M.D. La. Aug. 4, 2021) (approving FLSA collective action settlement, including separately negotiated attorneys' fees and expenses in addition to plaintiffs' recovery)

*Wells v. Colonial Compliance Systems, Inc.*, No. 3:19-cv-07810-WHO, ECF No. 42 (N.D. Cal. Feb. 4, 2021) (approving FLSA settlement, including \$21,200 in attorneys' fees and \$1,412.43 in expenses)

*Johnson v. Power Performance, Inc.*, No. 6:20-cv-01471-RSS-PJH, ECF No. 17 (W.D. La. Feb. 1, 2021) (entering agreed judgment in FLSA case of \$5,600 for attorneys' fees and costs for recovery by one plaintiff of \$24,312.68)

*Lewis v. All About You Home Healthcare, Inc.*, No. 2:18-cv-01409-JDC-KK, ECF No. 94 (W.D. La. Jun. 22, 2020) (approving FLSA collective action settlement, including separate settlement of attorneys' fees)

*Moresi v. Resource Energy Ventures and Constr. Co., LLC*, No. 6:15-cv-02224-MJJ-CBW, ECF No. 110 (W.D. La. Sept. 13, 2019) (approving attorneys' fees of \$49,908.37 for recovery by FLSA collective action plaintiffs of \$23,183.26)

*Williams v. Jackson Hands of Change, LLC*, No. 2:19-cv-00646-GGG-MBN, ECF No. 25 (E.D. La. Sept. 11, 2019) (approving attorneys' fees of 40% of recovery in FLSA settlement)

*Baker v. DrilTech, LLC*, No. 6:16-cv-00309-SMH-CBW, ECF No. 36 (W.D. La. May 15, 2018) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Matthews v. Priority Energy Svcs., LLC*, No. 6:15-cv-00448-RWS-KNM, ECF No. 148 (E.D. Tex. Apr. 20, 2018), *adopted* by ECF No. 149 (E.D. Tex. May 11, 2018) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Daniels v. Prod. Mgmt. Indus., LLC*, NO. 6:15-cv-02567-UDJ-PJH, ECF No. 66 (W.D. La. Apr. 20, 2018), *adopted* by ECF No. 67 (W.D. La. May 3, 2018) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Johnson v. Pat Williams Constr., LLC*, No. 1:17-cv-00591-JTT-MLH, ECF No. 36 (W.D. La. Mar. 16, 2018) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Shay v. Bass Fishing & Rentals, LLC*, No. 2:15-cv-01472-JRG, ECF No. 84 (E.D. Tex. Jan. 31, 2018) (approving attorneys' fees of 37.5% of recovery in FLSA collective action settlement)

*Comeaux v. Quality Energy Svcs., Inc.*, No. 6:15-cv-02510-RGJ-PJH, ECF No. 78 (W.D. La. Jul. 20, 2017) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Crow v. ProPetro Svcs., Inc.*, No. 7:15-cv-00149-RAJ, ECF No. 87 (W.D. Tex. Jun. 20, 2017) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Legros v. Mud Control Equip., Co.*, No. 6:15-cv-01082-RFD-PJH, ECF No. 74 (W.D. La. Mar. 6, 2017) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Riddle v. Detel Wireless, LLC*, No. 1:16-cv-00433-DDD-JPM, ECF No. 31 (W.D. La. Mar. 3, 2017) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Cantu v. Circle Bar A, Inc.*, No. 5:15-cv-00468-XR, ECF No. 52 (W.D. Tex. Jun. 23, 2016) (approving attorneys' fees of 40% of recovery in FLSA collective action settlement)

*Travis v. CAB Logistics, Inc.*, No. 5:15-cv-00351-RP, ECF No. 59 (W.D. Tex. Jun. 6, 2016) (approving attorneys' fees of 35% of recovery in FLSA collective action settlement)

#### **NON-SETTLEMENT ATTORNEYS' FEES AWARDS IN WAGE-AND-HOUR LITIGATION**

Wage-and-hour cases in which Mr. Parmet served as counsel of record, had significant involvement on behalf of plaintiffs, and resulted in court-awarded attorneys' fees, include:

*Keddy v. Oneflow Energy Servs., LLC*, No. 5:17-cv-00142-C, ECF No. 20 (W.D. Okla. Jan. 9, 2018) (awarding attorneys' fees of \$7,860.50 at \$395 per hour for Mr. Parmet in FLSA action)

*Andrews v. Pacific Process Systems., Inc.*, No. 2:16-cv-01135-CB, ECF No. 49 (W.D. Pa. Nov. 30, 2017) (awarding attorneys' fees of \$24,740.50 at \$395 per hour for Mr. Parmet and costs of \$2,177.48 in action to recover for breach of FLSA collective action settlement agreement)

*Parrish v. Premier Direc. Drilling, L.P.*, No. 5:16-cv-00417-DAE, ECF No. 166 (W.D. Tex. Aug. 1, 2017) (awarding fees in a discovery dispute in the amount of \$385 per hour to Mr. Parmet's co-counsel, who was awarded the same hourly rate as Mr. Parmet in *Andrews*)

#### **SETTLEMENTS IN OTHER LITIGATION**

Other cases in which Mr. Parmet served as counsel of record, had significant involvement on behalf of plaintiffs, and resulted in court-supervised settlements, with court-approved attorneys' fees, include:

*Camero v. White*, No. 2018-75608 (Tex. Dist.—Harris [281st] Mar. 10, 2022) (approving minor settlement, including attorney's fees and expenses, in auto collision case involving deaths of minor's parents)

*Guzman v Cooper/Ports America, LLC*, OWCP Case: LS-08433386, Order Approving Agreed Settlement – Section 8(i) (Dept. of Labor, Mar. 1, 2022) (approving wrongful death settlement under Longshore and Harbor Workers' Compensation Act, including attorneys' fees and costs)

*In re M. R.*, No. 19PR30040 (Colo. Dist.—Grand Cnty. Jan. 24, 2020) (approving settlement for minor who suffered personal injuries when struck by snowmobile operated by ski patroller at ski resort in *Roberts v. Intrawest/Winter Park Oper. Corp.*, No. 2018CV7 (Colo. Dist.—Grand Cnty.))

*Hernandez v. Am. Pac. Indus., Inc.* (Cal. Sup. Ct.—L.A. Cnty. Nov. 13, 2015) No. BC496576 (approving confidential settlement, including attorneys' fees, for minors' personal injuries and wrongful death of parent in product liability case)

*Bruce v. P&U Carriers, Inc.*, No. 2013-CVS-736 (N.C. Sup. Ct.—Halifax Cnty. Oct. 5, 2015) (approving confidential minor settlement, including attorneys' fees, in trucking case involving wrongful death of father)

*Evans v. PMT Express, LLC*, No. 4:13-cv-00210-FL, ECF No. 95 (E.D.N.C. Jul. 6, 2015) (approving confidential minor settlement, including attorneys' fees, in trucking case involving wrongful death of mother)

*Smith v. Baker Concrete Constr., Inc.*, No. V 13 387 (Tenn. Cir. Ct.—Bradley Jun. 26, 2015) (approving confidential settlement, including attorneys' fees, for minors in case involving their fathers' wrongful death)

*Tillman v. Quality Aquatics Pool Mgmt., LLC*, No. 2013-22656 (Tex. Dist.—Harris [165th] Jan. 20, 2015) (approving confidential settlement, including attorney's fees, for minor with permanent hypoxic brain injury)

*M. M. v. G.I. Trucking Co.* (Cal. Sup. Ct.—L.A. Cnty. Aug. 20, 2014) (approving confidential minor settlement, including attorneys' fees, in trucking case involving wrongful death of father)

*Vu v. Angel Tours, Inc.*, No. 2010-44296 (Tex. Dist.—Harris [295th] Feb. 14, 2011) (approving confidential minor settlement in action consolidated with *Jacobs v. Angel Tours, Inc.*, No. 2008-67196 (Tex. Dist.—Harris [295th]))

#### **NON-SETTLEMENT ATTORNEYS' FEES AWARDS IN OTHER LITIGATION**

Other cases in which Mr. Parmet served as counsel of record, had significant involvement on behalf of a party, and resulted in court-awarded attorneys' fees, include:

*Enzybac LLC v. Clearport Int'l Inc.*, No. 2018-40026, Interlocutory Default Judgment (Tex.—Harris Dist. [113th] Dec. 21, 2018) (awarding attorneys' fees, costs, and expenses of \$21,645.00, including attorneys' fees at \$450 per hour for Mr. Parmet), vacated on other grounds, Agreed Order for New Trial (Tex.—Harris Dist. [113th] Mar. 1, 2019)

*Valley Forge Ins. Co. v. Barrera*, No. 2008-44947 (Tex. Dist.—Harris [113th] Jul. 15, 2011) (entering judgment for attorneys' fees of \$28,200 after jury verdict)